**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN**
**&**
**THE HONOURABLE MR. JUSTICE M.N.KRISHNAN**

**TUESDAY, THE 6TH MARCH 2007 / 15TH PHALGUNA 1928**

**WA.No. 308 of 2007()**
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**AGAINST THE JUDGEMENT/ORDER IN OP.19138/2002 DT.3.10.2006.**
**.....**

**APPELLANT: PETITIONER**
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**YOUNAS.K., S/O.ABDULLA KOYA,**
**ANNAS MANZIL, PALUNNITHARA, ARAKKINAR P.O.,**
**KOZHIKODE-28.**

**BY ADV. SRI.P.RAVINDRAN**

**RESPONDENTS: RESPONDENTS**
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1. **THE REGIONAL TRANSPORT OFFICER,**
   **KOZHIKODE.**

2. **THE DEPUTY TAHASILDAR (RR),**
   **KOZHIKODE.**

3. **P.SASIDHARAN, S/O.MADHAVAN,**
   **PARAMBATH HOUSE, KARUVISSERY,**
   **KOZHIKODE-10.**

**BY GOVERNMENT PLEADER SRI.MATHEW G.VADAKKEL**

**THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 06/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K.S. RADHAKRISHNAN(AG.C.J.) & M.N. KRISHNAN,J.**

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**W.A. NO. 308 OF 2007**

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**Dated this the 6th day of March, 2007.**

**J U D G M E N T**

**Radhakrishnan,(Ag.C.J.)**

Heard counsel on both sides. The writ petition was preferred seeking a direction to quash Ext.P3 and also for a direction to issue a writ of mandamus directing respondents 1 and 2 to proceed against the 3rd respondent for arrears of Motor Vehicles Tax. Counsel for the petitioner submits that no notice was served on him though revenue recovery proceedings were initiated against him. The learned Governed Pleader on instructions submitted that a notice was sent to him by registered post. But no records are available to show that a notice was in fact, served on the petitioner. In the circumstances, we are of the view that a fresh notice has to be issued to the petitioner before initiating revenue recovery proceedings. We are informed that the vehicle is now with the Chevayoor Police Station. It is open to the 2nd

respondent to proceed against the vehicle to recover the amount and if any balance amount is due, steps can be initiated against the appellant, after issuing notice to him.

The writ petition is disposed of with the above direction.

**K.S. RADHAKRISHNAN,**
**ACTING CHIEF JUSTICE.**

**M.N. KRISHNAN, JUDGE.**

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